

## Message Text

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ORIGIN EB-07

INFO OCT-01 EA-09 ISO-00 INT-05 AID-05 CIAE-00 COME-00  
FRB-01 INR-07 NSAE-00 USIA-15 TRSE-00 XMB-04  
OPIC-06 SP-02 LAB-04 EPG-02 SIL-01 OMB-01 /070 R

DRAFTED BY EB/OT/STA:GWHITE:MH  
APPROVED BY EB/OT/STA:TO'HERRON  
EA/PRCM:MVONBRIESEN (SUBS)  
INTERIOR:VBLAZEVIC  
-----127854 291826Z /53  
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FM SECSTATE WASHDC  
TO AMCONSUL HONG KONG

UNCLAS STATE 151141

E.O. 11652: N/A

TAGS: ETRD, HK

SUBJECT: U.S. REGULATIONS ON THE IMPORTATION OF IVORY  
PRODUCTS

REF: (A) HONG KONG 6978, (B) STATE 306832 (1976),  
(C) HONG KONG A-12, (D) HONG KONG 4935, (E) HONG KONG 6075

1. IN THE FEDERAL REGISTER OF FEBRUARY 22, 1977, THE  
DEPARTMENT OF THE INTERIOR PUBLISHED REGULATIONS GOVERNING  
THE IMPLEMENTATION BY THE UNITED STATES OF THE CONVENTION  
ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD  
FAUNA AND FLORA. AMONG OTHER THINGS THESE REGULATIONS  
REQUIRE THAT ALL COUNTRIES, WHETHER THEY ARE PARTIES TO  
THE CONVENTION OR NOT, PROVIDE DOCUMENTS WHICH SHOW THAT  
THEIR EXPORTS TO THE UNITED STATES OF WILDLIFE OR PLANTS  
LISTED IN APPENDIX I, II, OR III OF THE CONVENTION ARE  
NOT CONTRIBUTING TO THE EXTINCTION OF THESE SPECIES. THESE  
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DOCUMENTS MUST BE ISSUED BY A GOVERNMENT OFFICIAL, NOT A  
TRADE ASSOCIATION.

2. SECTION 23.14 OF THE U.S. REGULATIONS STATES QUOTE  
SUCH DOCUMENTS MAY BE IN THE FORM OF AN EXPORTOR IMPORT  
PERMIT, A LETTER FROM THE PROPER AUTHORITY, OR ANY OTHER  
FORM THAT CLEARLY INDICATES THE NATURE OF THE DOCUMENT.

SUCH DOCUMENTS MUST:

(A) BE ISSUED BY AN OFFICIAL OF THE COUNTRY RESPONSIBLE FOR AUTHORIZING THE EXPORT OF SUCH WILDLIFE OR PLANTS;

(B) SPECIFY THE SPECIES (OR TAXA TO THE RANK LISTED IN APPENDIX I, II, OR III), AND GIVE THE NUMBERS OF WILDLIFE OR PLANTS COVERED BY THE DOCUMENT; AND

(C) CONTAIN THE FOLLOWING STATEMENT OR ITS EQUIVALENT:  
I, (NAME OF CERTIFYING OFFICIAL) HEREBY CERTIFY THAT THE SHIPMENT OF WILDLIFE OR PLANTS COVERED BY THIS DOCUMENT IS IN ACCORDANCE WITH THE LAWS OF (COUNTRY), WILL NOT BE DETRIMENTAL TO THE SURVIVAL OF THE SPECIES IN THE WILD, AND, IF LIVING, WILL BE TRANSPORTED IN A MANNER WHICH WILL MINIMIZE THE RISK OF INJURY, DAMAGE TO HEALTH, OR CRUEL TREATMENT. END QUOTE.

3. REGARDING INQUIRIES IN REFS C, D AND E, THE CALIFORNIA ATTORNEY GENERAL'S OFFICE HAS INFORMED THE DEPARTMENT THAT SINCE JUNE 14, 1976, IT HAS BEEN ILLEGAL TO POSSESS WITHIN CALIFORNIA, WITH THE INTENT TO SELL WITHIN CALIFORNIA, ANY PART OR PRODUCT OF AN ASIAN ELEPHANT. THE PROVISIONS OF THE CALIFORNIA ENDANGERED SPECIES LEGISLATION PERTAINING TO THE PROTECTION OF AFRICAN ELEPHANTS.  
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PHANTS ARE MORE COMPLEX. IF IVORY OR OTHER PRODUCTS OF AFRICAN ELEPHANTS WERE IMPORTED PRIOR TO JANUARY 1, 1977, THEY MAY CONTINUE TO BE SOLD OR OFFERED FOR SALE. AFRICAN ELEPHANT PRODUCTS IMPORTED AFTER JANUARY 1, 1977 COULD BE SOLD OR POSSESSED WITH THE INTENT TO SELL UNTIL JUNE 1, 1977. SINCE JUNE 1, 1977 IT HAS BEEN ILLEGAL UNDER CALIFORNIA LAW TO IMPORT ANY AFRICAN ELEPHANT PRODUCTS FOR COMMERCIAL PURPOSES.

4. THE CALIFORNIA ATTORNEY GENERAL'S OFFICE IS EXAMINING THE POSSIBILITY OF ALLOWING INDIVIDUALS TO IMPORT FAMILY HEIRLOOMS OR ANTIQUE IVORY. THE DEPARTMENT WILL TRANSMIT THE ATTORNEY GENERAL'S DECISION TO AMCONSUL AS SOON AS IT IS RECEIVED.

5. COPIES OF THE FOLLOWING DOCUMENTS ARE BEING SENT TO POST BY AIR POUCH: (A) DEPARTMENT OF THE INTERIOR'S REGULATIONS; (B) THE CALIFORNIA STATUTE GOVERNING THE PROTECTION OF ENDANGERED SPECIES; (C) A LETTER FROM THE CALIFORNIA ATTORNEY GENERAL'S OFFICE WHICH EXPLAINS SEVERAL ASPECTS OF THE CALIFORNIA STATUTE. VANCE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SPECIES PROTECTION, IVORY, IMPORT CONTROLS  
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**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Reference:** 77 HONG KONG 6978, 77 STATE 306832, 77 HONG KONG A-12, 77 HONG KONG 4935, 77 HONG KONG 6075  
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**TAGS:** ETRD, HK, US  
**To:** HONG KONG  
**Type:** TE  
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**Review Markings:**  
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